

THE CONSERVATION FUND

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8 November 2010

Water Docket
Environmental Protection Agency
Mailcode: 28221T
1200 Pennsylvania Ave., NW.
Washington, DC 20460.

Re: Docket Number EPA-R03-OW-2010-0736
Clean Water Act Section 303(d): Notice for the Public Review of the Draft Total
Maximum Daily Load (TMDL) for the Chesapeake Bay (Document ID EPA-R03-
OW-2010-0736-0001)

Please consider this letter a comment submission on the above referenced notice.

Section 9- Table 9.4 -pages 35 and 36: This table indicates individual annual WLAs for significant permitted dischargers to meet the proposed amended Chesapeake Bay WQS. In the table on page 9-35 an entry is listed for The Conservation Fund Freshwater Institute with NPDES ID WV0116149, providing TOTN of 5,537 pounds per year and TOTP of 62 pounds per year. The Conservation Fund respectfully disagrees with the figures proposed in Table 9.4 for the referenced permit held by us and we believe that there was an error in calculation of the WLAs based on either the assumed facts of the current permit or the intent as outlined in the Section 9 narrative.

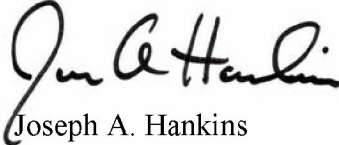
The Conservation Fund was first issued a WV NPDES permit in March of 2005. This permit was updated and renewed in April 2010. Consistent with the WV Tributary Strategy this permit was assigned capped annual mass loadings of TN and TP based on design flows and a minimum technology standard of 5 mg/l TN and 0.5 mg/l TP. In the current permit, each of two outfalls (001 and 002) is permitted until 2013 to discharge 7600 pounds of TN and 760 pounds of TP per outlet (x 2 outlets x 0.5 mgd per outlet) for a total of 15,200 pounds of TN and 1,520 pounds of TP for the discharge permit in total.

As represented by USEPA in the TMDL and in comments back to West Virginia on the first WIP submission, the high backstopping provisions proposed to account for West Virginia's WIP deficiencies would cause these allocations to reduce to mass loading caps based on 3 mg/l TN and 0.1 mg/l TP. Based on the narrative intent and the more stringent high backstopping standard WLA totals for this permit should be closer to TOTN 9,120 pounds per year and TOTP 304 pounds per year.

We believe the WLAs indicated in Table 9.4 for WV0116149 are too low and are not consistent with either the calculation process as stated or the intent in the TMDL narrative.

The WLAs indicated in Table 9.4 would result in required effluent concentrations less than 2 mg/l TN and less than 0.02 mg/l TP at 1 mgd design flows. These concentrations are less than the existing background levels of nutrients in the spring source water for our facility.

Respectfully,



Joseph A. Hankins
Vice President
The Conservation Fund

cc: Paul F. Hurt, Esq., Deputy General Counsel, The Conservation Fund

enc: Pages 9-35 and 9-36 from TMDL document

Table 9-4. Individual WLAs (Annual) for the 483 significant permitted dischargers to meet TMDLs to address the proposed amended Chesapeake Bay WQS						
Permit Name	NPDES ID	Jurisdiction	Segment ID	TOTN	TOTP	TSED
				WLA (lbs/yr)	WLA (lbs/yr)	WLA (lbs/yr)
PARKINS MILL	VA0075191	VA	POTTF_MD	60,911	4,568	76,139
PILGRIM'S PRIDE - ALMA	VA0001961	VA	POTTF_MD	18,273	914	15,228
PILGRIMS PRIDE-HINTON	VA0002313	VA	POTTF_MD	27,410	1,371	22,842
PURCELLVILLE	VA0022802	VA	POTTF_MD	18,273	1,371	22,842
ROUND HILL WWTP	VA0026212	VA	POTTF_MD	9,137	685	11,421
SIL MRRS	VA0090263	VA	POTTF_MD	23,390	1,754	29,237
STONE CREEK STP	VA0028380	VA	POTTF_MD	7,309	548	9,137
STRASBURG	VA0020311	VA	POTTF_MD	11,939	895	14,923
STUARTS DRAFT	VA0066877	VA	POTTF_MD	48,729	3,655	60,911
WAYNESBORO	VA0025151	VA	POTTF_MD	48,729	3,655	60,911
WEYERS CAVE STP	VA0022349	VA	POTTF_MD	6,091	457	7,614
WOODSTOCK	VA0026468	VA	POTTF_MD	24,364	1,827	30,456
MARTINSBURG	WV0023167	WV	POTTF_MD	27,410	914	45,683
BERKELEY COUNTY PSSD	WV0082759	WV	POTTF_MD	25,583	853	42,638
BERKELEY COUNTY PSSD	WV0082759	WV	POTTF_MD	28,324	944	47,206
VIRGINIA ELECTRIC & POWER	WV0005525	WV	POTTF_MD	0	0	0
ROMNEY	WV0020699	WV	POTTF_MD	4,568	152	7,614
CHARLES TOWN	WV0022349	WV	POTTF_MD	15,989	533	26,649
LEETOWN SCIENCE CENTER	WV0005649	WV	POTTF_MD	6,578	73	18,273
THE CONSERVATION FUND FRESHWATER INST	WV0116149	WV	POTTF_MD	5,537	62	15,380
SHEPHERDSTOWN	WV0024775	WV	POTTF_MD	3,655	122	6,091
KEYSER	WV0024392	WV	POTTF_MD	21,928	731	36,547
WARM SPRINGS PSD	WV0027707	WV	POTTF_MD	15,898	530	26,496
REEDS CREEK HATCHERY	WV0111821	WV	POTTF_MD	9,467	105	26,298
PETERSBURG	WV0021792	WV	POTTF_MD	12,335	411	20,558

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				WLA (lbs/yr)	WLA (lbs/yr)	WLA (lbs/yr)
SPRING RUN HATCHERY	WV0112500	WV	POTTF_MD	23,573	262	65,480
PILGRIM'S PRIDE	WV0005495	WV	POTTF_MD	4,715	52	13,096
HESTER INDUSTRIES, INC.	WV0047236	WV	POTTF_MD	2,741	30	7,614
MOOREFIELD	WV0020150	WV	POTTF_MD	5,482	183	9,137
FORT ASHBY PSD	WV0041521	WV	POTTF_MD	4,568	152	7,614
BLUE PLAINS	DC0021199	MD	POTTF_DC	1,177,683	52,996	8,832,620
BLUE PLAINS	DC0021199	MD	POTTF_DC	888,425	39,979	6,663,189
BLUE PLAINS	DC0021199	DC	POTTF_DC	1,905,752	88,260	3,432,346
BLUE PLAINS	DC0021199	VA	POTTF_DC	395,344	17,791	494,181
BLUE PLAINS	DC0021199	VA	POTTF_DC	186,114	8,375	232,642
ALEXANDRIA	VA0025160	VA	POTTF_VA	493,381	29,603	822,301
ARLINGTON	VA0025143	VA	POTTF_VA	365,467	21,928	609,112
DALE CITY #1	VA0024724	VA	POTTF_VA	42,029	2,522	70,048
DALE CITY #8	VA0024678	VA	POTTF_VA	42,029	2,522	70,048
H.L. MOONEY	VA0025101	VA	POTTF_VA	219,280	13,157	365,467
NOMAN M. COLE JR. POLLUTION CONTROL PLANT	VA0025364	VA	POTTF_VA	612,158	36,729	1,020,263
UPPER OCCOQUAN SEWAGE AUTHORITY	VA0024988	VA	POTTF_VA	657,841	16,446	822,301
Vint Hill Farms Station WWTP	VA0020460	VA	POTTF_VA	11,573	868	14,466
PISCATAWAY	MD0021539	MD	PISTF	365,467	16,446	2,741,004
INDIAN HEAD	MD0020052	MD	MATTF	6,091	457	45,683
NSWC-INDIAN HEAD	MD0003158	MD	MATTF	1,880	783	44,386
LA PLATA	MD0020524	MD	POTOH2_MD	18,273	1,371	137,050
AQUIA	VA0060968	VA	POTOH_VA	73,093	4,386	121,822
FAIRVIEW BEACH	VA0092134	VA	POTOH_VA	1,827	183	3,046
OAKLAND PARK STP	VA0086789	VA	POTOH_VA	1,706	128	2,132